

Fresno, California

March 18, 2003

The City Council met in regular session at the hour of 8:33 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Absent:	Henry Perea	Councilmember (Out of town/Washington, D.C.)
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Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Councilmember Duncan called for, and a moment of silence was observed, in memory of the over 5,000 innocent people murdered and 10,000 injured with chemical weapon bombs in a city in northern Iraq fifteen years ago by Saddam Hussein's air force.

Pastor Floyd Quenzer, Grace United Methodist Church, gave the invocation, and City Manager Hobbs led the Pledge of Allegiance to the Flag.

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PROCLAMATION OF NATIONAL AGRICULTURE DAY

PROCLAMATION OF KERN CAFÉ DAY - PRESIDENT BOYAJIAN

PRESENTATION OF THE 3RD AND 4TH QUARTER 2002 EXCELLENCE IN PASSENGER SERVICE AWARDS TO HANDY RIDE DRIVERS

PRESENTATION OF THE 2002 BEST OF THE VALLEY RESTAURANT AWARDS RECIPIENTS - COUNCILMEMBER DAGES

PROCLAMATION OF MEUX HOME DAY - COUNCILMEMBER CALHOUN

(ADD-ON) PROCLAMATION OF NATIONAL SAFE PLACE WEEK - COUNCILMEMBER STERLING

The above proclamations and awards were read and presented.

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(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 9:15 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF MARCH 11, 2003

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the Agency minutes of March 11, 2003, approved as submitted.

(“A”) JOINT RESOLUTION NO. 2003-68/1621 - APPROVING A FUNDING AGREEMENT BETWEEN THE FRESNO UNIFIED SCHOOL DISTRICT (FUSD) AND THE REDEVELOPMENT AGENCY, AND MAKING CERTAIN FINDINGS PURSUANT TO THE HEALTH AND SAFETY CODE OF THE COMMUNITY REDEVELOPMENT LAW, REGARDING EDISON HIGH SCHOOL ATHLETIC FIELD IMPROVEMENTS

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted. Councilmember Sterling spoke in support stating she was very proud of the project and made a motion to approve staff’s recommendation, which motion was seconded and later acted upon.

Acting President Castillo commented/presented questions at length relative to the contractor who would be performing the work, if Fresno Unified would be awarding the contract, how much Measure K money had been allocated to the project, if the Council/Agency would have input in the selection of the contractor, how Edison’s track could be determined “blighted” and if the same argument could be used for McLane’s track, if Edison was in a redevelopment area, **(2 - 0)** why the field will only be available for use Monday through Friday, if the agreement could be changed to include weekend use, if there would be a procedure/process for the use of the field, if restrooms would be made available, need to have someone in charge of gates/restrooms if groups will be using the field on a regular basis, when staff would be reporting back on the agreement relative to weekend use, desire to hear from Fresno Unified before taking action and if the issue was time sensitive, and direction to staff to schedule a report in two weeks, with Ms. Murphey and Director Fitzpatrick responding to questions.

Brief discussion ensued with President Boyajian speaking in support stating he liked partnerships and commended staff; Councilmember Sterling stating restrooms were a main concern and she would make sure Acting President Castillo’s issues are addressed; Chair Duncan speaking in support of these types of projects citing the tax increment that goes back into the community; and Acting President Castillo stating he would like to see the West Coast Relays come back stating the event really distinguished Fresno.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Joint Resolution No. 2003-68/1621 hereby adopted; and the Agency Executive Director, or Redevelopment Administrator, authorized to sign the Funding Agreement and take such further actions as may be necessary or appropriate to carry out the Agency’s obligations under the Agreement, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Dages, Sterling, Duncan
Noes : None
Absent : Perea

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The joint bodies adjourned their meeting at 9:31 a.m. and the City Council reconvened in regular session.

APPROVE COUNCIL MINUTES OF MARCH 11, 2003

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the minutes of March 11, 2003, approved as submitted.

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President Boyajian announced Councilmember Perea was in Washington, D.C.

APPROVE AGENDA:

REQUEST CITY MANAGER TO RETURN WITH ENABLING DOCUMENTS ON APRIL 1, 2003, TO EXTEND RES. 2002-93 (WHICH EXPIRES 3/31/03), MAKING UP THE SALARY DIFFERENTIAL FOR EMPLOYEES ON MILITARY DUTY, AND MAKING IT RETROACTIVE TO 3/31/03 - COUNCILMEMBER DUNCAN

Request made.

(9:30 A.M.) REQUEST BY MAYOR AUTRY TO RECONSIDER ACTION TAKEN 2/11/03, AMENDING SECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO RECOVERY OF COSTS AND PENALTIES INCURRED OR IMPOSED IN ENFORCEMENT OF NUISANCE ABATEMENT ACTIONS **(CONTINUE TO APRIL 1, 2003)**

1. RESOLUTION - 403RD AMENDMENT TO MFS RES. 80-420 ADDING VARIOUS PROPOSED FEES FOR SERVICES FOR THE POLICE AND FIRE DEPARTMENTS
2. BILL - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO RECOVERY OF COST AND PENALTIES INCURRED OR IMPOSED IN ENFORCEMENT OF THE FRESNO MUNICIPAL CODE, STATE LAW OR NUISANCE ABATEMENT ACTIONS
3. BILL - ADDING ARTICLE 20 TO CHAPTER 9 OF THE FRESNO MUNICIPAL CODE RELATING TO HAZARDOUS SPILLS EXPENSE RECOVERY

Councilmember Duncan requested the issue of continuing the matter to April 1, 2003, be addressed separately and not approved automatically with approval of the agenda. Brief discussion/clarification ensued after the following correction was made, and by Council consensus the continuance request to be addressed separately.

(11:00 P.M. #2) JOINT CLOSED SESSION WITH THE RECREATIONAL FACILITIES FINANCING AUTHORITY

(11:00 P.M. #3) REGULAR CLOSED SESSION

City Clerk Klisch corrected the times to 11:00 A.M. #2 and #3.

(11:00 A.M. #1) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 44 - TRACT NO. 5071 **(CONTINUE TO APRIL 1, 2003, AT 10:00 A.M.)**

Continued as noted.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Sterling, Boyajian
Noes :	None
Absent :	Perea

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ADOPT CONSENT CALENDAR:

(1-B) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO J. F. PACIFIC LINERS OF VACAVILLE, CA, IN THE AMOUNT OF \$479,286.62 FOR MAGNESIUM HYDROXIDE SEWER CROWN SPRAY TREATMENT

(1-C) APPROVE APPOINTMENT OF STEPHEN LAWRENCE TO THE FRESNO MOSQUITO AND VECTOR CONTROL DISTRICT - MAYOR AUTRY

(1-D) RESOLUTION NO. 2003-69 - INTENT TO ANNEX FINAL TRACT NO. 5099 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 47, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

(1-F) APPROVE APPOINTMENT OF COUNCILMEMBER DAGES AND REAPPOINTMENTS OF AUGIE CALDERA AND BILLY CARTER TO THE FRESNO-MADERA AREA AGENCY ON AGING BOARD

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Sterling, Boyajian
Noes :	None
Absent :	Perea

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UNSCHEDULED ORAL COMMUNICATIONS:

Councilmember Calhoun advised his item rejected last week declaring an "Unemployment State of Emergency" was reconfigured to broaden it to other cities and was passed at the San Joaquin Valley Mayor's Conference, advised of local to national unemployment figures, and stated he hoped the mayor's of the San Joaquin valley would build on the issue of unemployment. Councilmember Sterling concurred with the need to do whatever it takes to keep the issue at the forefront.

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(9:30 A.M.) REQUEST BY MAYOR AUTRY TO RECONSIDER ACTION TAKEN 2/11/03, AMENDING SECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO RECOVERY OF COSTS AND PENALTIES INCURRED OR IMPOSED IN ENFORCEMENT OF NUISANCE ABATEMENT ACTIONS ***(CONTINUE TO APRIL 1, 2003)***

1. RESOLUTION - 403RD AMENDMENT TO MFS RES. 80-420 ADDING VARIOUS PROPOSED FEES FOR SERVICES FOR THE POLICE AND FIRE DEPARTMENTS
2. BILL - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO RECOVERY OF COST AND PENALTIES INCURRED OR IMPOSED IN ENFORCEMENT OF THE FRESNO MUNICIPAL CODE, STATE LAW OR NUISANCE ABATEMENT ACTIONS
3. BILL - ADDING ARTICLE 20 TO CHAPTER 9 OF THE FRESNO MUNICIPAL CODE RELATING O HAZARDOUS SPILLS EXPENSE RECOVERY

Councilmember Duncan requested the matter not be continued, noted alternatives were currently being worked on and staff would be submitting them to Council when they are ready, and reiterated his request to not continue and let the matter die.

A motion and second was made to continue the matter to April 1, 2003.

Acting President Castillo stated there were some fees that made sense but he felt fee issues should be deliberated during the budget cycle as was done last year. Councilmember Dages questioned why the pawn shop fee was back in the proposal, why this issue needed to be continued if a new proposal would be coming back, and if staff could still bring back alternatives if this proposal died, with City Manager Hobbs and City Attorney Montoy responding. Mr. Hobbs clarified the intent was to have on record what the original proposal was and that it was staff's recommendation, and also to recognize the difference of opinion of Council so staff could report back with another option(s) that might work. Councilmember Dages stated he wanted all options to be brought back in addition to the original proposal. Councilmember Duncan stated addressing the issues separately made it much easier/simpler to understand, and stated the idea of looking at the fee structure was reasonable when it was justified and that having a recommendation come back that was different from this one made a great deal of sense.

A motion of President Boyajian, seconded by Councilmember Calhoun, to continue the matter to April 1, 2003, failed, by the following vote:

Ayes :	Calhoun, Boyajian
Noes :	Castillo, Dages, Duncan, Sterling
Absent :	Perea

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, Mayor Autry's request to reconsider the above entitled original fee proposal denied, by the following vote:

Ayes :	Castillo, Dages, Duncan, Sterling
Noes :	Calhoun, Boyajian
Absent :	Perea

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(3-A) REQUEST CITY MANAGER TO DIRECT STAFF TO INITIATE INQUIRIES TO OTHER FIRMS REGARDING THE RED LIGHT CAMERA OPERATION - ACTING PRESIDENT CASTILLO

cameras were always determined by traffic volume and not because they were the most dangerous (i.e. First/McKinley and Blackstone/Shaw); stated extending yellow lights was not discussed and his research had shown those cities who extended yellow lights removed their cameras as people were not running red lights anymore; spoke to Nestor's contract and performance stating they were inexperienced citing their failure to install the cameras by the agreed time line; and stated when Nestor's contract expires he wanted Council to revisit the issue and look at other proposals, including Nestor, and if the contract with Nestor were to be extended he would demand that cameras be installed at the most dangerous intersections as the public was originally told, elaborating throughout on specifics of his comments.

Upon Councilmember Calhoun's request, Robert Young, Nestor Traffic Systems, 6528 Greenlee Avenue, Whittier, CA, responded to Acting President Castillo's comments stating the chosen intersections were selected by the police department, concurred they did have problems at the beginning with power service, and stated the program was now effective, elaborating on specifics.

Assistant City Manager Souza spoke further to the intersections chosen and criterion used, and stated he did not feel citizens were let down as the City was very open and upfront on the issue and the locations. District 2 Council Assistant Kloose spoke to her involvement in RFP team and why the team chose Nestor Traffic Systems for the program.

Lengthy discussion ensued with Councilmember Calhoun **(3 - 0)** questioning whether Council would ultimately make any decision on whether to continue with Nestor, add more locations, or issue another RFP; Councilmember Duncan speaking in support of the program, how the locations were chosen, and with the Herndon/First numbers; Acting President Castillo commenting/presenting questions at length relative to why Blackstone/Belmont was changed as a priority, Caltrans' jurisdiction over some areas and concern that the City contacted Caltrans only one time after being told of the process, status on the First/McKinley intersection, concern that left-turn approaches are not monitored and his assumption that entire intersection approaches would be monitored, if direction could be given to staff this date to extend they city's yellow light times at some intersections, and request for staff to schedule in late April a staff report on extending yellow lights at some dangerous intersections, with Mr. Souza, Mr. Young and City Attorney Montoy responding to questions. Councilmember Calhoun raised a point of order and questioned if an individual council member could ask for a "very complicated, lengthy study" (which he stated he had no interest in), or if the entire council had to agree with it, with Ms. Montoy and President Boyajian clarifying no direction was being given to staff this date on the issue. Acting President Castillo stated he hoped he could go to staff for direction/information if needed and he hoped him scheduling something on the agenda did not imply that he could not use staff to assist him adding he knew other council members have done the same thing without Council direction in the past.

Brief discussion continued. Councilmember Sterling requested information on where cameras are located in her district along with any past reports that have gone to Council so she can make an informed decision when the issue comes back. Mr. Young, Mr. Souza and Acting President Castillo responded to questions of Councilmember Dages and President Boyajian relative to the 63% capture rate, if the City was making money with the program, the contract not expiring until 2004 and how direction could be given this date (with re-clarification made that direction on this issue was not being given), and if the contract contained language that the City could terminate it at any time. **(4 - 0)** Upon question, Ms. Montoy clarified there was no motion on the floor and that Acting President Castillo had requested staff to schedule in late April a report on extending yellow lights. There was no further discussion.

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(10:00 A.M.) HEARING ON THE 2003 ANNUAL WEED ABATEMENT PROGRAM

1. RESOLUTION NO. 2003-70 - APPROVING THE 2003 WEED ABATEMENT PROGRAM AND DECLARING THAT DRY GRASS, WEEDS, TRASH AND DEBRIS ON VACANT LOTS WITH VACANT STRUCTURES POSE A SIGNIFICANT FIRE HAZARD IN THE CITY OF FRESNO

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

lots with vacant structures on the listed properties pose a significant fire hazard in the city of Fresno, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Sterling, Boyajian
Noes : None
Absent : Perea

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(3-B) RESOLUTION NO. 2003-71 - SUPPORTING THE COUNCIL OF FRESNO COUNTY GOVERNMENTS (COG) IN THEIR RESEARCH EFFORTS TO ESTABLISH AN ABANDONED VEHICLE PROGRAM AND AUTHORITY FOR FRESNO COUNTY

Assistant City Manager Souza, Controller Quinto, Dan Zack, COG, and Neighborhood Services Specialist Miller clarified issues and/or responded to questions/comments/concerns of Acting President Castillo relative to collection of revenues and how they would be filtered back to COG, concern with length of the program and revenues going back to the State, if the fee would work like vehicle license fees (VLFs), the collection process, why COG would be established as an authority and not the City, if there would be a predetermined formula for the fees, what happens to cities in the county choose to not participate in the program, why vehicles cannot be taken to junk/scrap yards as in the past rather than establishing another bureaucracy, and if a person could still take their car to a junk yard.

Councilmember Duncan stated he found it interesting the word "fee" was being used stating it would be a tax, and presented questions relative to number of cars a year currently dealt with under the city's abandoned vehicle program, number of additional cars that would be removed if COG's program passes, concern that the people of Fresno would be asked to pay \$300,000 without a clear goal on the number of additional cars that would be removed, and the proposed new public safety fees and why no consideration was given to charging the owner of the vehicle to pay the total cost of abandoning it, with Ms. Miller, Code Enforcement Manager Villa and City Manager Hobbs responding **(5 - 0)**. City Attorney Montoy confirmed, as stated by code enforcement staff, that the City already had a very aggressive ordinance in place in eliminating blight and added recently an ordinance was submitted to council on cost recovery for code enforcement as a mechanism to recover associated costs. Councilmember Duncan stated it made more sense to have the owner pay abandonment/disposal costs rather than have a flat tax across the city of Fresno, and strongly suggested Council not approve the resolution and ask staff to come back with a user fee for abandoned cars. Ms. Miller responded briefly to questions of Councilmember Dages relative to the citation process that was already in place, and Councilmember Dages advised he and ex-Councilmember Quintero cited over 7,000 cars in his district and stated he was very supportive of this program. A motion and second to approve the resolution was made and acted upon after brief comments by President Boyajian who expressed his support and stated there were so many abandoned vehicles out there and this was a good plan that would provide neighborhood stability.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-71 hereby adopted, by the following vote:

Ayes : Castillo, Dages, Sterling, Boyajian
Noes : Calhoun, Duncan
Absent : Perea

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RECESS - 10:50 A.M. - 11:13 A.M.

(10:45 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 45 - TRACT NO. 5117 AND 5121

1. RESOLUTION NO. 2003-72 - ANNEXING TERRITORY TO CFD NO. 2, AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2003-73 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2003-74 - DECLARING ELECTION RESULTS

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirk gave a brief overview of the issue as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2003-72, 2003-73, and 2003-74 hereby adopted, and the above entitled Bill No. B-18 adopted as Ordinance No. 2003-18, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Sterling, Boyajian
Noes	:	None
Absent	:	Perea

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(5-A) DISCUSSION AND DIRECTION REGARDING A HIRING FREEZE ON THE COUNCIL ANALYST POSITION WITH SALARY SAVINGS BEING TRANSFERRED TO THE FIRE STATION MAINTENANCE FUND - COUNCILMEMBER CALHOUN
1. DISCUSSION REGARDING THE SELECTION COMMITTEE AND THE PROCESS UTILIZED TO FILL THE COUNCIL ANALYST POSITION

Councilmember Calhoun reviewed the background of the issue and stated there had been questions relative to whether or not the position should be filled and spoke to specifics of the position; read into the record minutes from last year wherein it was stated Council would not move forward on the vacant position until it was looked at in more detail noting there was limited discussion but no direction was given; stated he had not heard “the position is essential – fill it”, yet he received an E-mail from President Boyajian stating someone had been hired; and expressed his concern and questioned what process was put in place stressing he knew nothing about it. President Boyajian responded stating he took it upon himself to appoint a committee as someone needed to be picked quickly; spoke to the national search that was conducted, the process, the candidates, and the one ultimately chosen; and stated the analyst was needed for the entire council and the position was important.

Acting President Castillo and Councilmember Sterling spoke in support of the position stating it was valuable, with Acting President Castillo advising how he utilized the position in the past, stated the position should also be used in Sacramento, and advised he was kept in the loop on the recruitment/hiring process by Councilmember Perea.

Councilmember Calhoun questioned if there was not a practice of appointing committees from the dais pointing out President Boyajian appointed a committee which he knew nothing about, and presented additional questions/concerns relative to whether it was against the rules for President Boyajian to have appointed a committee, if the person that was hired was hired illegally, if there was any violation of the Brown Act since Acting President Castillo (a fourth member) was brought in on the process, if President Boyajian was comfortable with the process that was undertaken and that he (Councilmember Calhoun) knew nothing about it, and if President Boyajian did this on purpose. City Attorney Montoy and Assistant City Manager Souza responded to questions and clarified issues relative to the committee that was appointed, the process that was undertaken, and the City’s hiring process and procedures. President Boyajian further responded stating this was not done intentionally and apologized for the misunderstanding. Councilmember Calhoun stated he was very disappointed with the issue and process and stated he hoped this would not happen again in the future adding things not being done in public led to suspicion that things were being done improperly and “behind some backs”.

Brief discussion ensued. Acting President Castillo spoke briefly to the issue of being excluded citing the council committee that was formed to hire outside counsel and stating it was done without the knowledge of the entire council. Ms. Montoy noted a workshop would be conducted next week on the Brown Act which would help insure that the City Council as a body moves forward in the appropriate way, and clarified the hiring of the analyst was a personnel decision that the Council President could make as a recommendation to the city manager, and relative to a budget committee recommended approval of the committee be placed on the agenda next week. Relative to Acting President Castillo’s comment on exclusion,

Councilmember Calhoun stated the personnel committee of the Agency was duly appointed and approved at a meeting and that Acting President Castillo must have left the room when it was approved adding nothing was done behind the scenes. There was no further discussion.

LUNCH RECESS - 11:47 A.M. - 1:45 P.M.

(11:00 A.M. #2 & #3) CLOSED SESSION:

(A) JOINT CLOSED SESSION WITH THE RECREATIONAL FACILITIES FINANCING AUTHORITY: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: CITY OF FRESNO, FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY, A JOINT EXERCISE OF POWERS AGENCY V. PETER T. STRAVINSKI, KIMBERLY D. STRAVINSKI, ET AL. (PALM LAKES)

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. JESSE CORDERO V. COF, ET AL.
2. BOMBAY CORPORATION, ET AL., V. COF
3. LONG CONSTRUCTION INC., V. COF, FRESNO SUPERIOR CT. NO. 03 CE 00617 DSB

(C) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. AMALGAMATED TRANSIT UNION (ATU) UNIT 06
2. FRESNO CITY EMPLOYEE'S ASSOCIATION (FCEA)

The City Council met in closed session in Room 2125 at the hour of 1:45 p.m. to consider the above matters and reconvened in regular open session at 3:04 p.m.

(2:00 P.M.) CONTESTED CONSENT CALENDAR:

(1-E) APPROVE THE FUNDING MAINTENANCE ACTIVITIES OF "LOCAL" MULTI-PURPOSE TRAILS

Councilmember Calhoun stated his question relative to the area that would pay for the trails was answered by staff and made a motion to approve staff's recommendation.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the current policy amended to include maintenance of local multi-purpose trails as a service to be provided by Community Facilities District No. 2 (CFD No. 2), by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Sterling, Boyajian
Noes	:	None
Absent	:	Perea

(1-A) RESOLUTION NO. 2003-75 - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR \$300,000 TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF CODES AND STANDARDS, FOR A HOUSING CODE ENFORCEMENT GRANT, AND AUTHORIZE THE DEPARTMENT DIRECTOR OR DESIGNEE TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MIGHT BE NECESSARY FOR THE COMPLETION OF THIS PROJECT

Upon question of President Boyajian, Assistant City Manager Souza advised the money could only be used for capital acquisition.

On motion of President Boyajian, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2003-75 hereby adopted, by the following vote:

141-121		
Ayes	:	Calhoun, Castillo, Dages, Duncan, Sterling, Boyajian
Noes	:	None
Absent	:	Perea

3/18/03

(2:30 P.M.) CONTINUED HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF PUBLIC USE AND NECESSITY FOR ACQUISITION OF A PARCEL OWNED BY GIL AND MARY A. RAMIREZ PALACIO AT THE SOUTHWEST CORNER OF E. WHITE AND N. JACKSON AVENUES FOR DEVELOPMENT OF PUMP STATION 30B

1. * RESOLUTION NO. 2003-76 - DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF APN 454-313-26 AT THE SOUTHWEST CORNER OF E. WHITE AND N. JACKSON AVENUES, AND INITIATING EMINENT DOMAIN ACTION TO ACQUIRE THE PARCEL FOR DEVELOPMENT OF PUMP STATION 30B AS A REPLACEMENT FOR PUMP STATION 30A

President Boyajian announced the time had arrived to consider the issue and opened the hearing. President Boyajian questioned if the matter could be delayed for Councilmember Perea's presence since this was in his district, with Assistant City Manager Souza noting the matter was already delayed once and advised of the need for move forward stating there were water pressure issues and a well that was out of service **(6 - 0)**.

Supervising Real Estate Agent Balch and Senior Real Estate Agent Hansen reviewed the background and status of the issue, stated resolution had not been reached with the property owner but negotiations could continue even if the resolution is adopted, advised the City made a written offer for fair market value based on an independent appraisal, and recommended approval. Mr. Hansen, Water System Supervisor Martin, and City Attorney Montoy responded to questions of President Boyajian and Acting President Castillo and/or clarified issues relative to what the necessity was for the acquisition, clarification made that adoption of the resolution would force the property owners to initiate negotiations and obtain their own appraisal, Mr. Palacio's argument that the development would go through his property, if the owners were given a deadline date to obtain an appraisal, if price negotiation would take place if the Palacio's appraisal came in higher than the City's, the dispute going to court if agreement can not be reached, and if Councilmember Perea was aware that the owners were supposed to obtain an appraisal.

Upon call, no one wished to be heard and President Boyajian closed the public hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2003-76 hereby adopted, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Sterling, Boyajian
Noes :	None
Absent :	Perea

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(2:45 P.M.) APPEARANCE BY MARY SAVALA, LEAGUE OF WOMEN VOTERS, TO PRESENT A PUBLICATION ENTITLED "OPEN AND PUBLIC", A USER'S GUIDE TO THE RALPH M. BROWN ACT

Appearance made with Ms. Savala submitting the document to each member of the Council. Councilmember Calhoun commented on the issue and City Attorney Montoy advised of the upcoming Brown Act workshop and the availability of the Municipal Law Guidebook and memos/legal opinions issued relative to the Brown Act. There was no action taken.

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(2:50 P.M.) AUTHORIZE THE CONTROLLER TO COMPLETE ALL NEGOTIATIONS AND FINALIZE A CONTRACT FOR PROFESSIONAL BANKING SERVICES FOR A FIVE-YEAR PERIOD COMMENCING APRIL 1, 2003

Controller Quinto and Assistant Controller Bradley gave an overview of the issue and the RFP process that was undertaken at length, all as contained in the staff report as submitted, and along with Treasury Officer Wiles, Assistant City Manager Souza and an unidentified Bank of America (B of A) representative responded to questions of Councilmember

Calhoun relative to whether ranking criteria/process was different from the one used five years ago, the pricing evaluation, how scores were evaluated, if any appeals were received from any other banks, if B of A moved part of its operations off-shore, and where B of A was headquartered. A motion and second was made to approve staff's recommendation.

Lengthy discussion ensued with Eric Tobias, B of A Small Business Market Manager, Ms. Quinto, City Manager Hobbs and a B of A representative from Community Development, San Francisco, responding at length to questions, comments and/or concerns of Acting President Castillo and President Boyajian and/or clarifying issues relative to B of A's current amount in business loans in the downtown area, if B of A ever discussed in business practices any incentives to developers/business owners for downtown construction specifically, Acting President Castillo clarifying his interest was in working with someone investing in downtown, if downtown investment by any of the firms was taken into consideration based on the Mayor's interest in downtown and the 2010 plan, B of A advising of their \$55 million in business loans in the Fresno area and their interest in looking out for affordable housing deals in Fresno (citing their 2001 California Hotel project), President Boyajian expressing concern with B of A moving one of their headquarters from downtown to Fig Garden Village and elaborating on the need to partner with those committed to investing south of Shaw, the Bauer ratings, Ms. Quinto clarifying local preference and the Community Reinvestment Act were taken very seriously in considerations, **(7 - 0)** and a B of A representative speaking to their effort to connect with community banks and expanding on their commitment to, and investment in, the Fresno community.

Mr. Hobbs stated, absent other direction, staff's responsibility was to approach the issue in the traditional fashion, i.e., what is the best business deal for the City and explained, and stated he was sympathetic to points made but they were outside the scope of this particular methodology. President Boyajian reiterated investment in downtown had been the direction and reiterated he was committed to downtown and the inner-city and he wanted to help those who were also committed to downtown and the inner-city.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the Controller, subject to approval from the City Attorney, authorized to complete all negotiations and finalize a contract for professional baking services for a five year period with Bank of America, N.A., for an estimated annual fee of \$124,000, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Sterling
Noes :	Boyajian
Absent :	Perea

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(3:30 P.M.) CONTINUED HEARING ON REZONING APPLICATION NO. R-02-54 AND ENVIRONMENTAL FINDINGS, FILED BY DONABEDIAN & HANNAH ARCHITECTURE, PROPERTY LOCATED ON WEST SIDE OF S. DEARING BETWEEN E. HUNTINGTON AND E. KINGS CANYON AVENUES (DISTRICT 5)

1. CONSIDER AND ADOPT FINDING OF CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-02-54, S-02-326

2. **BILL NO. B-19 - ORDINANCE NO. 2003-19** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 TO R-2

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Councilmember Dages advised he met with the developer, was a "happy camper", and made a motion to approve.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, Environmental Assessment No. R-02-05/S-02-326, dated February 6, 2003, resulting in the issuance of a Class 32 Categorical Exemption hereby approved, and the above entitled Bill No. B-19 adopted as Ordinance No. 2003-19, by the following vote:

Ayes :	Calhoun, Castillo, Dages, Duncan, Sterling, Boyajian
Noes :	None
Absent :	Perea

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141-123

3/18/03

(3:45 P.M.) APPEARANCE BY VINCENT LAVERY REGARDING A RESOLUTION FOR A PEACEFUL SOLUTION TO THE INTERNATIONAL DISPUTE WITH IRAQ

Mr. Lavery requested Council take a vote on a resolution he submitted advising 140 cities have endorsed similar resolutions. Speaking in support of Mr. Lavery's request was Debbie Reyes, Vice Chair, Human Relations Commission (HRC),

who advised the HRC on 3/13/03, unanimously joined other cities in endorsing a peaceful resolution to the war on Iraq; and Camille Russell, President, Peace Fresno, who stated adoption of the resolution would make a difference and the war was the City's business. Brief discussion ensued on allowing others to speak. President Boyajian clarified five minutes was allocated by a majority of the Council on this item, City Attorney Montoy advised the public can be heard at another meeting under unscheduled oral communications since oral communications had already taken place this date, and President Boyajian advised a community forum could be set in conjunction with the city manager's office and the League of Women Voters to debate the issue if desired. Mr. Lavery advised he would bring the matter back in two weeks.

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ADJOURNMENT:

There being no further business to bring before the Council, the hour of 4:14 p.m. having arrived and hearing no objection, President Boyajian declared the meeting adjourned.

APPROVED on the 25th day of March, 2003.

_____ Tom Boyajian, Council President		ATTEST: _____ Yolanda Salazar, Assistant City Clerk
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